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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Re: Attorney Docket No. Baumgarte 1-6-8

In re application of: Frank Baumgarte, Jiashu Chen, and Christof Faller

Serial No.: 10/045,458  
Filed: 11/07/01  
Matter No.: 992.1013

Group Art Unit: 2644  
Examiner: Con P. Tran  
Phone No.: 571-272-7532

For: Backwards-Compatible Perceptual Coding of Spatial Cues

**RESPONSE UNDER 37 CFR 1.111**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Response is filed in response to the office action of 10/06/05.

**REMARKS/ARGUMENTS**

Claims 1-72 are pending in the application. The Applicant hereby requests further examination and reconsideration of the application in view of these remarks.

In paragraph 1 of the office action, the Examiner required restriction under 35 USC 121 to one of the following groups of claims: Group I (claims 1-26), Group II (claims 27-48), Group III (claims 49-54), and Group IV (claims 55-72). In response, the Applicant elects Group II (claims 27-48) with traverse.

In arguing for restriction, the Examiner stated (1) that the groups "are unrelated" and (2) that "a serious burden" would be imposed on the Examiner "to perform a complete search of the defined area in both the patent and non-patent literature." The Applicant disagrees with both of these conclusions.

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**Certification Under 37 CFR 1.8**

Date of Deposit October 26, 2005

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail under 37 CFR 1.8 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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